

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA  
PHILADELPHIA DIVISION**

**In re:**

Robert C. McCall  
937 N. Lawrence Street  
Philadelphia, PA 19123

Case No. 20-10214-amc  
Chapter 13

Debtor,

Pauline Houston McCall  
a/k/a Pauline Houston  
937 N. Lawrence Street  
Philadelphia, PA 19123

Joint Debtor.

**SECURED CREDITOR, TRINITY FINANCIAL SERVICES, LLC'S OBJECTION TO  
CHAPTER 13 PLAN [DOC. NO. 15].**

**COMES NOW, SECURED CREDITOR**, Trinity Financial Services, LLC (herein after referred to as "Secured Creditor"), by and through its undersigned counsel, and hereby files this Objection to Chapter 13 Plan [Doc. No. 15] filed by the Debtor and States as grounds the following:

1. On or about January 13, 2020, Debtors filed a Voluntary Petition under Chapter 13 of the Bankruptcy Code.
2. On or about February 18, 2020, Debtors filed their proposed Chapter 13 Plan [Doc. No. 15].
3. On or about March 31, 2020, Secured Creditor filed its Motion to Allow Late Filed Claims [Doc. No. 23], which was granted by this Court on May 14, 2020 [Doc. No. 30].
4. The Debtors had previously filed a proof of claim for Secured Creditor in the amount of \$40,000.00, but that was withdrawn on or about April 1, 2020, when Debtors learned of Secured Creditor's filing of its Motion to Allow Late Filed Claims.

5. Secured Creditor claim is secured by a mortgage encumbering the real property owned by Debtor located at 937 N. Lawrence Street, Philadelphia, PA 19123 (hereinafter "The Property").
6. Secured Creditor's Claim No. 8-1 was filed in the amount of \$36,992.78, however the proposed Chapter 13 Plan still lists the amount owed to Secured Creditor as \$40,000.00.
7. Secured Creditor objects to the confirmation of the Chapter 13 Plan as filed because it fails to include the correct amount owed to Secured Creditor, including but not limited to the pre-petition arrears.
8. Secured Creditor respectfully requests the Chapter 13 Plan be amended to account for its Claim No. 8-1.
9. Secured Creditor is entitled to attorneys' fees pursuant to 11 U.S.C. §1322(e). Said fees should be added to the balance of the Note and Mortgage pursuant to the terms of the loan documents, but not added to the Debtors' personal obligation once a discharge is received.

**WHEREFORE, PREMISES CONSIDERED,** Secured Creditor prays that the Debtors' Chapter 13 Plan be amended to include the correct arrearage and regular monthly payment to Secured Creditor and for any other relief this Honorable Court deems Secured Creditor is entitled.

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was provided via electronic and/or Regular U.S. Mail to the parties listed on the attached service list, on August 11, 2020.

**I HEREBY CERTIFY** that I am admitted to the Bar of the United States Bankruptcy Court for the Eastern District of Pennsylvania, and I am in compliance with the additional qualifications to practice in this Court set forth in the Local Rules.

DWALDMANLAW, P.C.  
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Attorneys for Secured Creditor

By: /s/ Jennie C. Shnayder  
Jennie C. Shnayder, Esq.  
PA Bar ID# 315213

### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 11th Day of August, 2020, I served a copy of the foregoing by regular U.S. Mail or the Court's CM/ECF system to the following parties listed on the below service list:

#### **SERVICE LIST**

*Debtor*

Robert C. McCall  
937 N. Lawrence Street  
Philadelphia, PA 19123

*Joint Debtor*

Pauline Houston McCall  
a/k/a Pauline Houston  
937 N. Lawrence Street  
Philadelphia, PA 19123

Michael A. Cataldo2  
Cibik & Cataldo, P.C.  
1500 Walnut Street  
Suite 900  
Philadelphia, PA 19102  
*Debtor(s) Attorney*

Michael A. Cibik2  
Cibik & Cataldo, P.C.  
1500 Walnut Street  
Suite 900  
Philadelphia, PA 19102

*Debtor(s) Attorney*

*Trustee*

Scott F. Waterman (Chapter 13)  
Chapter 13 Trustee  
2901 St. Lawrence Ave.  
Suite 100  
Reading, PA 19606

*U.S. Trustee*

United States Trustee  
Office of the U.S. Trustee  
200 Chestnut Street  
Suite 502  
Philadelphia, PA 19106

**Dated: August 11, 2020**

Signature: /s/ Jennie C. Shnayder

Jennie C. Shnayder, Esq., ID #315213

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Attorney for Secured Creditor